

ENGLISH KINGS AND THE FEAR OF SORCERY*

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IN this essay on English kings and the fear of sorcery, I will be dealing chiefly with the monarchs of fifteenth-century England, most of whom are familiar to us from Shakespeare's eight connected history plays, from *Richard II* to *Richard III*. In keeping with the practice of my historical sources, I will use the terms sorcery, magic, and witchcraft to mean the same thing, namely the attempt to foretell or control events either by natural occult powers or by supernatural agency — that is, by recourse to spiritual beings. Even the invocation of God himself could be considered magical, when, for instance, his name appeared in charms; but simple appeals to divine assistance were permitted, even, for example, in the practice of herbal medicine.¹ Sometimes the devil and other evil spirits of Christian theology were specified as active ingredients in the mix of magic, sometimes not. But it can be assumed that all orthodox and learned Christians of the time would explain any instance of what appeared to be effective supernatural magic (any event, therefore, beyond the powers of nature which could not be considered miraculous because of suspect circumstances) as brought about by diabolical or demonic agency. Furthermore, even when the magic was thought to be effected by natural means (for example, the use of poisons or aphrodisiacs), the devil's instigation would easily suggest itself; and even magic that was thought to be totally ineffectual was often attributed to the devil's illusions.²

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1 See William Lyndwood, writing between 1422 and 1430, glossing the word *incantationes* in Archbishop Pecham's constitution *Ignorantia sacerdotum*: 'Utputa, in collectionibus herbarum, quae medicinales sunt aliquas observationes attendendo, nisi symbolum vel orationem dominicam.' That is to say, the first commandment forbids the use of incantations such as those found in herbals to make the herbs medicinal, unless it is simply a matter of reciting the creed or the Lord's Prayer. See Lyndwood, *Provinciale* I.11.1 gl. v. *incantationes* (Oxford, 1679; rpt. Farnborough, 1968), p. 55.

2 At the beginning of the chapter on 'Demonic Witchcraft' in my book, *The Devil, Demonology, and Witchcraft* (New York, 1968; 2nd ed. Garden City, N.Y., 1974), I limited my discussion of

In spite of what any given magician or witch might think, the orthodox view was that God and the angels would never participate in magical activities, and that the only other spirits in existence available for such participation were the fallen angels — that is Satan and the other devils or demons.³ Assistance by the devil did not necessarily involve the idea of a pact with the devil or of worshipping the devil. Devil worship was a patristic concept that was revived on the Continent in the Middle Ages, but it only rarely enters into accounts of English witchcraft. I consider it unfortunate that some historians have decided to reserve the peculiarly English term 'witchcraft', which has no Latin or Continental-vernacular equivalent, for the Continental notion of 'sorcery combined with devil worship'.⁴

England's importance in the history of European witchcraft is well known: it serves as a kind of control in a scientific investigation. Much of the Continent was infected with a virulent disease, but England got off lightly, and historians have long been trying to determine why. Many of the factors that went into the spread of witch persecution on the Continent were present in England during the fifteenth century: there was a large dose of heresy (the Lollards), much social unrest and civil war, ecclesiastical inquisitions against suspected witches, and much secular concern about sorcery. It is, in fact, from the secular government that many of the serious alarms against sorcery during this time are first raised, usually in connection with plots, imagined or real, against the life or state of the reigning king.

Prominent among my sources are the chronicle histories of the age — the annual records of events compiled by monks or friars, or by citizens of London or other cities. For such historiographers, supernatural causation was always a very important factor. Since one of the main purposes of history was to teach lessons for the present from the past, it was thought especially worthwhile to draw attention to the workings of divine providence, whenever possible. The interventions of the devil were not as important, perhaps, but they too were underlined as often as they were perceived.

Anyone who has had experience in analyzing 'rules for the discernment of spirits', in attempting, for instance, to distinguish demonic possession from false

witchcraft-sorcery-magic to diabolically assisted activity, without going into the question of the 'legitimate science' of natural magic.

3 In the New Testament, there is only one devil, Satan; the Gospel demons or unclean spirits do not tempt, but only cause illness by corporeal possession; and neither the devil nor the demons are fallen angels. But in patristic times and later these subtleties were not recognized: there was no longer any real distinction between diabolical and demonic activity. For documentation of the biblical data, see the book cited in the previous note, and also my article, 'The Devil in the Desert', *Catholic Biblical Quarterly* 26 (1964) 190-220, esp. 202-13.

4 This is the terminology favored especially by Jeffrey Burton Russell, *Witchcraft in the Middle Ages* (Ithaca, 1972), who holds that 'European witchcraft is best viewed as a religious cult of the Devil' (p. 17).

possession, will have come to the conclusion that it is very difficult even on the level of accepted faith to separate natural from supernatural influences. In a way, of course, the doctrine of Providence makes things very easy: everything is brought about ultimately by God's causation or permission. But the problem remains of assigning motives to God for particular events: motives of reward, punishment, trial, discipline, and so on.

It is obvious that a given historian's personal likes and dislikes, especially his political affiliations, would play a large role in forming his opinion as to who was on the side of God and who had the support of the devil. For the past generation (since 1944), students of English literature have accepted, virtually without exception, the existence of one such politically motivated providential schema: namely, the Tudor myth, as formulated by the late E. M. W. Tillyard in his *Shakespeare's History Plays*. According to Tillyard, the Tudor historians sought to establish the legitimacy of the Tudor dynasty by regarding almost the whole of the fifteenth century as a time of divine displeasure and punishment brought about by the deposition of Richard II in 1399. But finally, according to the theory, the supernal wrath was satisfied, and there was a man sent from God whose name was Henry who brought redemption to the land: Henry Tudor, crowned King Henry VII in 1485.

Even *a priori*, there is something odd about this picture of Henry VII, whose chief claim to the throne was that of the last of the Lancastrians, heir to Henry IV, Henry V, and Henry VI. Why should he foster a mystique of divine punishment against his Lancastrian forerunners? In point of fact, a close reading of the chronicles demonstrates that he did no such thing. Instead, he upheld the Henrys, and even made serious attempts to procure the canonization of Henry VI. There was, nevertheless, a Tudor 'myth' or party line, but it took an extremely simple and obvious pattern. Henry VII was indeed sent by God, but his purpose was not to rescue England from divine punishment, but to rescue her from the diabolical rule of the Yorkist King Richard III.

Looking back into still earlier chronicles, we find similar patterns: it was the historians writing under Richard III's brother, Edward IV, the first Yorkist king, who saw Henry VI and the house of Lancaster as divinely overthrown, and Edward IV as divinely supported; this we could term the York myth. A Lancaster myth was created at the beginning of the century: God raised up Henry IV to overcome the evils of Richard II. King Richard's supporters, of course, took an opposite view. In the sixteenth century, fragments of all of these myths were preserved and incorporated into works of literature and drama — for instance, into Shakespeare's plays.⁵

⁵ For more details, see my *Divine Providence in the England of Shakespeare's Histories* (Cambridge, Mass., 1970).

The early sources also reveal that it was not only the chroniclers who thought in this way but often the kings themselves, and not simply for the purposes of propaganda. They sincerely believed that God was on their side, and it was easy for them to think that their opponents were minions of the devil, however much these minions might protest that it was they who had divine support.

In the late fourteenth and early fifteenth century especially, England was filled with prophets who claimed to be divinely inspired.⁶ And while it was normally not feasible to proceed against someone for consorting with God, it was simple enough to accuse a man of uttering false prophecies, and charge him with treasonous sedition. One such prophet, the hermit William of Norham, was imprisoned by Richard II for his pains, and he seems to be the same northern hermit who later had unpleasant information for Henry IV — but this time he was rewarded with decapitation.⁷

It is only a short step from the denial of divine inspiration to the charge of magical or diabolical divining, and of using sorcery to oppose or influence the king in some way. As we shall see, it is a step that was often taken.

Another step that is not so short is the identification of sorcery with heresy. As is well known, this identification became commonplace on the Continent, and is most strongly asserted in the *Malleus maleficarum* (1486).⁸ Some scholars have too easily assumed that the same was true of England.⁹ In fact, however, witchcraft in England was almost never formally associated with heresy, as a perusal of the myriad cases of witchcraft cited by G. L. Kittredge will reveal.¹⁰ In the con-

6 See Morton W. Bloomfield, *Piers Plowman as a Fourteenth-Century Apocalypse* (New Brunswick, N.J., 1962), and see the index of Kelly, *Divine Providence* s.v. 'Prophecies'.

7 Continuation of the *Eulogium (historiarum sive temporis)*, ed. F. S. Haydon (RS 9.3; London, 1863), pp. 380, 397; cf. Kelly, *Divine Providence*, p. 12 n. 10. See George Lyman Kittredge, *Witchcraft in Old and New England* (Cambridge, Mass., 1929), chap. 14: 'The Seer' (pp. 226 ff.).

8 Russell, *Witchcraft*, pp. 219-33. I am speaking only of the views of the theoreticians and prosecutors of witchcraft. Russell elsewhere in his book goes on to conclude that heretical witches such as the prosecutors described really existed. For a recent critique of this position, see Norman Cohn, *Europe's Inner Demons* (London, 1975), excerpts of which appear in the December 1974 and January 1975 issues of *Encounter*.

9 Russell, *Witchcraft*, p. 204, in speaking of the 1401 statute on the burning of heretics, makes it clear that he believes it to apply to witches, for he takes it as evidence that magic was considered a civil crime. I shall discuss the significance of the 1401 statute below, at nn. 25 and 38.

10 The only cases I have found in Kittredge in which heresy figures are the following:

- (1) 1441: Eleanor Cobham (pp. 81-83); see my treatment below.
- (2) 1457: Thomas Hull of Hertford confessed to the bishop of Lincoln that he had aided Thomas Curteys in using nigromancy and heresy (p. 38).
- (3) 1467: William Byg, a crystal-gazer, was accused of heresy and sorcery in the court of the archbishop of York (pp. 187-88).
- (4) 1492: Margaret Geffrey was summoned on charges touching on the crime of heresy and sor-

stitution *Ignorantia sacerdotum* of Archbishop Pecham, issued in 1281, sorcery, incantations, and other superstitions are said to be implicitly forbidden under the first commandment's prohibition of idolatry, whereas heresy is forbidden by the second commandment. Pecham's distinction was enshrined in the *Provinciale* of William Lyndwood,¹¹ who, as official of the court of the province of Canterbury (1417-c. 1429), was the ranking ecclesiastical judge and canonist of his time.

Lyndwood himself clearly does not regard sorcery as seriously as he does heresy. In his only references to the subject, apart from his commentary on Pecham's decree, he says simply that clerics who are proven to be sorcerers are to be deposed;¹² and, when speaking of the rule that baptismal fonts are to be kept locked on account of witchcraft, he declares it better to be silent than to speak about such things.¹³ Heresy was another matter. When commenting on the 1409 constitutions of Archbishop Arundel against the Lollards, he insists that only two judges have jurisdiction over cases of heresy: the bishop of the area and a

cery to the court of the bishop of London's commissary, for using a cunning-man to secure a rich husband (pp. 61-62); see below, n. 16 no. 7.

- (5) 1510: a priest, James Richardson, of the diocese of Lincoln was arrested as a person publicly defamed of heresy or sorcery (pp. 207-208).

It should be noted, however, that Kittredge does not hold himself bound to report all charges of heresy, as is evident from his failure to mention the heretical character of the witchcraft charged against Alice Kyteler and her associates in the notorious inquisition instituted by Richard Ledrede, bishop of Ossory, at Kilkenny in 1324. See *A Contemporary Narrative of the Proceedings against Dame Alice Kyteler*, ed. Thomas Wright (Camden Society 1.24; London, 1843). Ledrede was an English Franciscan who, however, had been made bishop in France by Pope John XXII at a time when the trials of the Templars as heretical sorcerers were still fresh; see Cohn (n. 8 above) 202. In fact, Edward II, at the urging of John XXII's predecessor Clement V, had allowed papal inquisitors into England to bring similar charges against the Templars there; but, contrary to what happened under Ledrede in Ireland, there was no conviction and no burning. See Frederick Pollock and Frederic W. Maitland, *The History of English Law before the Time of Edward I*, 2nd. ed., 2 (1898, rpt. Cambridge, 1952), pp. 550-51; John G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), pp. 139-40.

¹¹ Lyndwood, *Provinciale* 1.11.1 (see n. 1 above), pp. 54-55 (cf. appendix, pp. 28-29). According to G. R. Owst, 'Sortilegium in English Homiletic Literature of the Fourteenth Century' in *Studies Presented to Sir Hilary Jenkinson*, ed. J. Conway Davies (London, 1957), pp. 272-303, especially 274, Pecham's analysis 'set a precedent for all future tracts and sermons on the Decalogue which was zealously followed.' In his commentary on Pecham's constitution, Lyndwood says that the concept of idolatry can include not only infidels but heretics and bad Christians as well (gl. v. *omnis idolatria*); but he goes on to define *sortilegia*, *incantationes*, *superstitiosum*, and the rest with no reference to heresy. For instance gl. v. *cum superstitionibus*: 'Superstitiosum est omne illud quod ab hominibus fit ad colendam creaturam vel partem creaturae sicut Deum, vel ad invocationem daemonum, vel ad exercendas magicas artes ... et generaliter omne illud quod ponit spem in aliud praeterquam in Deum'.

¹² Lyndwood, *Provinciale* 1.4.2 gl. v. *sortilegos* (p. 32).

¹³ *ibid.* 3.25.1 gl. v. *propter sortilegia* (p. 247): 'Quae honestius est tacere quam dicere'.

specially delegated papal inquisitor. It has never, he says, been permitted to anyone inferior to the bishop, or to the bishop's official or vicar general. 'For the matter of heresy is one of the major matters that pertain to the bishops alone.'¹⁴

In contrast, the offense of witchcraft was one of the minor matters that fell within the jurisdiction not only of the bishops' officials, but of the courts of the archdeacons as well. We are told in Chaucer's *Friar's Tale* that the archdeacon 'boldely dide execucioun In punysshynge of fornicacioun, Of wicchecraft, and eek of bawderye', and so on.¹⁵ But the normal form of trial even in these lower courts, except where suit was brought by a third person (usually for the restitution of spouse or property), was the *ex officio* inquisition, which was basically the same procedure as that employed by the Roman Inquisition.¹⁶ In

14 *ibid.* 5.5.2 gl. v. *ordinarii* (p. 296): 'Cognitio namque haeresis duobus tantum iudicibus in iure permittitur, viz. episcopo loci, et inquisitori haereticae pravitatis a sede apostolica deputato Non enim reperies aliquem textum, ut credo, qui hanc cognitionem concedat inferiori episcopo, vel eius officiali sive vicario generali. Est enim causa haeresis una de maioribus causis quae pertinent ad solos episcopos'. Later (5.5.4 gl. v. *idem ordinarius*, p. 304) Lyndwood gives his opinion that the ordinary can allow delegated judges to initiate heresy trials, but that only he is to give sentence.

15 Chaucer, *Canterbury Tales* III (D) 1302 ff., ed. F. N. Robinson, *Works*, 2nd ed. (Boston, 1957), p. 89. It is interesting that magic in both Chaucer and John Gower seems usually, perhaps always, to be natural and not diabolical; even in the *Franklin's Tale*, where natural magic is denounced as an illusion from the viewpoint of the Christian faith, it is not said to be effected by evil spirits. Cf. Kittredge, *Witchcraft*, pp. 56-58.

16 See R. Naz, 'Inquisition', *Dictionnaire de droit canonique* 6.1418-1426, and see the influential *Speculum iudiciale* of William Durantis (late thirteenth century; ed. Basel, 1563), book 3, part 1, pp. 25 ff.: *De inquisitione*. For rather full records of such inquisitions, see the *Registrum Hamonis Hethe diocesis Roffensis, A.D. 1319-1352*, ed. Charles Johnson (Canterbury and York Society 49; Oxford, 1948), pp. 911-1043: Acts of the Consistory Court of Rochester for 1347-1348. Examples of the kinds of witchcraft offenses brought before a bishop's vicar can be seen in the sixteen cases reported from the records of the court of the Commissary of the bishop of London from 1475 to 1539, in William Hale Hale, *A Series of Precedents and Proceedings in Criminal Causes Extending from the Year 1475 to 1640* (London, 1847). (I have not seen the edition by R. W. Dunning, Edinburgh, 1973.) Following each case I give Hale's number and the relevant page in Kittredge:

- (1) 1475/6: Nazareth Jarbrej admitted using a crystal-gazer to find a thief (H 43, K 188).
- (2) 1476/7: John Bere, accused of defamation and belief in sorcery (probably for finding stolen goods), cleared himself (H 65, K 36).
- (3) 1480: 'John Stokys uses incantations of sorcery for fevers' (H 10, K 36).
- (4) 1481/2: Joan Beverley, witch, solicited two other witches to make two men love her (H 27, K 107).
- (5) 1489: Joan Corbett, accused of being a witch, cleared herself (H 70).
- (6) 1490: Joan Benet, witch, was accused of attempting to kill a man by using a wax candle (H 82, K 85).
- (7) 1492: Richard Laukiston and Margaret Geffrey were summoned on charges touching the crime of heresy and sorcery ('de et super certis articulis crimen haeresiae tangentibus et sorseriae'). Laukiston took a fee from Geffrey to give to a cunning-man, who was to find a husband for her worth £ 1000. Upon admission of guilt, Laukiston was ordered to restore the fee to Geffrey, and Geffrey was ordered to do public penance, by walking barefoot and candle

such trials, summonses were issued on the basis of accusations by unnamed persons; the presiding official functioned as both accuser and judge; the accused was bound under oath to answer to charges;¹⁷ and conviction did not necessarily depend on the confession of the accused, but on the judge's negative assessment of the evidence.

In cases of heresy, modifications were permitted: other heretics or suspect persons could serve as accusers or witnesses, and names of accusers and witnesses could be withheld from the accused when fear of recrimination was present; summary procedure could be used, as could torture. Often no advantage of these concessions was taken; but the papal canons allowing them were normally addressed not only to specially delegated inquisitors but to local bishops as well; and, what is more, they were recognized in England as applying to the diocesan ordinaries. Archbishop Arundel in 1409 specifies that bishops are to proceed summarily (*summario et de plano absque strepitu et figura iudicii*),¹⁸ and Lyndwood explains

in hand on three successive Sundays before the procession of the cross (H 123, K 61-62, 107).

- (8) 1493: Elena Dalok was accused of being a slanderer and a quasi enchantress who cursed people and predicted their death (H 137, K 130, 228).
- (9) 1497: John White confessed to using magic art, namely the finding of stolen goods by using a psalter and key (H 207, K 196).
- (10) 1497: Sir Robert, rector of St. Mary at Nax, was accused of defamation by means of his sortilegious arts (another case of thief-finding) (H 216, K 196).
- (11) 1502: Eleanor Dulyne, accused of attempting to poison her husband by divinatory arts, cleared herself (H 264, K 62).
- (12) 1509: Alice Ancetyr consulted a magician to recover stolen goods and slanderously accused Christopher Sandon (H 284, K 188-189).
- (13) 1526: Margaret Williamson was accused of using an amatory drink, and of having suspected books (H 325, K 107).
- (14) 1527: William Browne confessed to using magical art and incantations to cure horses (H 326, K 36).
- (15) 1528: Margaret Hunt and her compurgators asserted that she accompanied the use of herbs in her cures with prayers, like the creed, the Lord's Prayer, and the Ave Maria (H 337, K 36-37). Cf. Lyndwood's remark in n. 1 above.
- (16) 1528: Elizabeth Fotman admitted to healing a horse by making crosses on it with a rod (H 338, K 37).

From the case of Richard Laukiston and Margaret Geffrey in 1492, it is clear that the commissary considered himself competent at least to inquire into matters of heresy, though it is not clear why this case and not the others was thought to touch upon heresy. Another case involving heresy occurred in 1490: David Chirke was suspected of heresy for not attending church (H 84).

17 Cf. Durantis, *Speculum iudiciale*, p. 33: 'Ubi vero nullo prosequente sed ex superioris officio inquiritur, tunc [reus] iurabit propter infamiam contra eum ortam.'

18 See Lyndwood, *Provinciale* 5.5.4 (pp. 302-305) and appendix, p. 68. Cf. E. F. Jacob, *The Register of Henry Chichele, Archbishop of Canterbury, 1414-1443*, 4 vols. (Canterbury and York Society 42, 45-47; Oxford, 1937-1947), I. cxxxv-cxxxvi, who, in discussing the case of the Franciscan friar William Russell, mistakenly intimates that the words calling for summary procedure

at length the methods allowed. For instance, if a witness vacillates he can be put *in quaestionibus*, as long as no blood is shed ('dum tamen sanguinem per hoc non eliciat').¹⁹ If guilt is proven only by one witness of good reputation, the accused may be tortured, in order that the truth might appear ('tunc inquisitus poterit torqueri, ut eruatur veritas'); for, as Lyndwood remarks, sterner action is always called for when a convicted person refuses to confess.²⁰

It might be thought that one reason why heresy was not often associated with witchcraft in England is that Lollardry, which was the regnant heresy there, had no resemblance to the dualist heresies that allegedly first gave witchcraft its heretical qualifications; it was, on the contrary, a proto-Protestant sort of puritanism, and it outdid the orthodox Church in its condemnation of sorcery by denouncing such things as the use of amulets with gospel texts written on them. But it was in fact not only dualist heretics who had been associated with the diabolical witch-cult on the Continent; and dualists like the Cathars were even more opposed to material things than the Lollards, and 'so far from worshipping the devil they were passionately concerned to escape from his clutches'.²¹

An example of the judicial distinction between sorcery and heresy can be seen in the cases brought before Archbishop Henry Chichele and the convocation of the clergy in early November 1419. Richard Walker, a chaplain, was strongly suspected of sorcery, and admitted his magical attempts under oath. He was made to appear at Paul's Cross with his magic books and instruments before a great crowd. After listening to a sermon by the bishop of Llandaff, he abjured his practice and went in penitential procession through Chepe Street, after which his materials were burned; and he was allowed to go free.²² Walker had declared in

distinguish a type of inquisitorial trial not used or allowed in England. It was in fact permitted in heresy proceedings to all bishops by Boniface VIII, *Sext.* 5.2.20 (*Statuta quaedam*), and in cases of benefices, tithes, matrimony, and usury by Clement V, *Clem.* 2.1.2 (*Dispendiosam*). The phrase is defined in *Clem.* 5.11.2 (*Saepe contingit*). In all these decretals the word *simpliciter* is used instead of *summarie*, the term favored in later documents, as, for instance, in Martin V's mandate to Cardinal Branda to proceed against Friar Russell (*Register of Henry Chichele* 3.139), though in the pope's recollection of the order later he uses both terms: 'summarie, simpliciter, et de plano sine strepitu et figura iudicii' (3.148). Russell's trials, by the way, both in England (1425) and in Rome (1426), provide a good illustration of how the option and even the mandate to use summary justice could be ignored and all the full forms of the ecclesiastical inquisition employed.

19 Lyndwood, *Provinciale* 5.5.4 (p. 304) gl. v. *testium receptionem*.

20 *ibid.* (p. 305) gl. v. *non obstante*. Torture was used in the Templar and Kyteler cases (n. 10 above), though in the former torturers had to be imported from the Continent, and in the latter whipping was used, which was a common form of ecclesiastical punishment in England. See also nn. 101 and 120 below.

21 Cohn, *Europe's Inner Demons* (n. 8 above), p. 58. For the Lollard views cited, see Kittredge, *Witchcraft*, p. 52 and Owst, 'Sortilegium' (n. 11 above), pp. 301-302; Owst (p. 292) quotes the Dominican John Bromyard as giving a qualified approval to the wearing of gospel texts.

22 *Register of Henry Chichele* 3.54-56; also in David Wilkins, *Concilia Magnae Britanniae et*

convocation that he had come to the conclusion that his magic operations were false because none of them had taken effect. Kittredge assumes that this form of confession cleared him of heresy.²³ But in fact there had never been any question of his having been suspected of heresy, unlike three other men who were accused of heresy at the same convocation. One was sent to prison for further deliberation, and the other two abjured their errors. They were released, and warned of the punishment for relapse.²⁴

According to a statute passed by Parliament in 1401, the penalty for relapse into heresy was, or could be, at the discretion of the bishop, burning by the secular authorities.²⁵ Before that time, burning was commonly used as a means of capital punishment only for women convicted of high treason, an offense for which men were hanged and quartered, unless the sentence was mitigated to decapitation.²⁶ It has been supposed that only after 1401 could men as well as women be burned, and not only for heresy but also for witchcraft. But, apart from the fact that, as we have just seen, heresy and witchcraft were regarded as separate crimes, burning was specified as a punishment for both heresy and witchcraft in the legal textbooks produced in the latter part of the reign of Edward I (1272-1307), namely *Fleta* and *Britton*.²⁷ In 1279, the body of a woman thought to have been a witch was burned by the judgment of the whole clergy in Northumberland.²⁸ Whether or not they were acting on the rule stipulated later in *Fleta* and *Britton* is not clear. But the fact that some of the lords of Parliament in 1376 insisted that Alice Perrers' Dominican accomplice should be burned for his magical practices suggests that the law was by no means a dead letter. The same may well be true of heresy, though without question the statute of 1401 made burning easier.

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Hiberniae 3 (London, 1737), pp. 393-95. Cf. *Register* 3.67-68 for another example of a non-heresy trial (forgery in this case) sandwiched between heresy proceedings.

23 Kittredge, *Witchcraft*, p. 80.

24 *Register of Henry Chichele* 3.55-57; Wilkins, *Concilia* 3.393-95.

25 The statute on the new sect of heretics, 2 Henry IV, c. 15 (1401), *Statutes of the Realm* 2 (1816, rpt. London, 1963), pp. 125-28, gave any bishop the power to hand over any person who refused to abjure his heresy, or who was convicted of heresy for a second time, to the secular authorities to be burned, without need for a secular trial or order from the king. In the statute of 2 Henry V, 1 c. 7 (1414), the heretical doctrines in question are termed 'Lollardries' (*Statutes* 2.181-84). See James FitzJames Stephen, *A History of the Criminal Law in England*, 3 vols. (London, 1883), 2.444-50, and Jacob, *Register of Henry Chichele* l.cxxx.

26 See Stephen, *ibid.* 1.475-76. Women were sometimes also burned for felony, e.g. arson: Pollock and Maitland, *History of English Law* 2.552.

27 *Fleta* 1.35, ed. H. G. Richardson and G. O. Sayles, vol. 2 (Selden Society 72; London, 1955), p. 90; *Britton* 1.10, trans. Francis Morgan Nichols, ed. Simeon E. Baldwin (Washington, D.C., 1901), p. 35, with a later gloss (n. 2) defining the relation between ecclesiastical and royal courts. See Pollock and Maitland, *ibid.* 2.552.

28 Pollock and Maitland, *ibid.*; Kittredge, *Witchcraft*, pp. 47-48.

The Alice Perrers case can serve as a useful starting point for our survey of royal witchcraft scares. In 1376, the last year of the reign of Edward III, Edward's mistress Alice Perrers was formally charged by the Commons with having gained the affections, procured the madness, and enervated the strength of the king through magical arts. The magic was said to be the work of an iniquitous Dominican friar who, according to the Benedictine chronicler Thomas Walsingham, achieved his effects through the use of wax images, powerful herbs, and incantations like those of the famous magician Nectanebus, king of Egypt; he was also accused of giving Alice magical rings of remembrance and forgetfulness, like those which Moses had made, for the king to wear. When the friar was captured by stratagem, a maid asked him why he did not foresee his fate, since he was able to predict the future for others. He answered that he did indeed foresee it, but did not know when it would happen. Walsingham reports further that the archbishop of Canterbury, who was the protector of the Order of Preachers, was able only with great difficulty to deliver the friar from the duke of Lancaster (John of Gaunt) and the other magnates, some of whom insisted that he should be executed by burning. As it was, the Dominicans took charge of him and kept him in close custody.²⁹

After Henry IV was crowned king in the autumn of 1399, he handed over to Parliament a scroll 'containing magical arts', which had been found in a chest belonging to one of Richard II's priests, John Magdalene. Being an ecclesiastic, Magdalene was not immediately arrested but was summoned on the next day before a convocation of the clergy at St. Paul's. He declared that he knew nothing of the contents of the scroll but was only keeping it for the king, and so he was released. But the Commons in their turn demanded that Richard's evil counsellors, both ecclesiastic and lay, be arrested, especially those who had demented the said king 'by sortilege or false and fallible calculations'. Henry replied that some of them were already in custody, and asked for others to be named specifically so that appropriate measures could be taken against them.³⁰

It seems that Henry IV himself was not above suspicion in the matter of witchcraft. We learn from the report of Burgundian chroniclers that when the duke of Orléans protested against Henry's right to the throne, he sought to prove his point by challenging the new king to single combat; but he stipulated that no charms were to be used in the contest, nor any invocations forbidden by the

29 Thomas Walsingham, *Chronicon Angliae*, ed. Edward Maunde Thompson (RS 64; London, 1874), pp. 97-99; cf. Kelly, *Divine Providence*, p. 23 n. 65; Kittredge, *Witchcraft*, p. 105; and George Holmes, *The Good Parliament* (Oxford, 1975), pp. 135-37.

30 Thomas Walsingham, *Annales Ricardi secundi et Henrici quarti*, ed. Henry T. Riley in *Chronica monasterii sancti Albani* (RS 28.3; London, 1866), pp. 301, 309.

Church. Wariness of this sort in trials by combat was fairly commonplace.³¹ But Henry seems to have sensed a larger charge of witchcraft, especially upon receipt of the duke's second letter, in which he denied that divine virtue had placed Henry on the throne. In his reply, Henry insisted upon his providential backing, and asserted that diabolical magic could never have achieved such results: 'Our Lord God, to whom we ever give praise, hath shown us his divine grace more than we are worthy to receive or have, if it were not that of his mercy and goodness it hath pleased him to give to us that which surely all the sorcerers and devils could not have known how or been able to give, nor all those who meddle with their arts'.³²

Walsingham's treatment of Edward III and Richard II and their brushes with sorcery has nothing to say about diabolical magic. However, when he comes to detail Henry IV's troublesome campaigns against Owen Glendower in Wales, he reports that many believed the bad weather to have been caused by the evil art of the Franciscan friars favorable to the Welsh. 'But far be it', he piously says, 'from men who profess such a holy rule to contract such great familiarity with demons'.³³ His words might be taken, at least by later readers, to imply the notion of acquiring 'familiar spirits' by means of a diabolical compact.

A very interesting comment on the same subject comes from a Cistercian chronicler, who, like Walsingham, was quite favorably disposed to Henry IV's takeover of the throne from Richard. He says it is true that such storms could be caused by the sortilege that Owen's magicians are thought to perform, and that it is not impossible to put the air into motion through the power of unclean spirits; but nevertheless the true answer in the opinion of the discreet is that the English failed in their venture because they have no right to Wales.³⁴ Which is as much as to say that it was the just disposition of God's providence that was the ultimate cause of the storms.

The chronicler John Hardyng says simply that everyone thought witches were to blame for the weather.³⁵ Hardyng also reports that among the many means

31 See Kittredge, *Witchcraft*, pp. 53-54.

32 John de Waurin, *A Collection of the Chronicles and Ancient Histories of Great Britain, now Called England*, trans. William Hardy and Edward L. C. P. Hardy (RS 40.2; London, 1887), pp. 65, 75, 81; cf. Enguerrand de Monstrelet, *Chronicles*, trans. Thomas Johnes (London, 1867), pp. 16-23.

33 Walsingham, *Annales*, pp. 343-44: 'Sed absit hoc ab hominibus tam sanctam professis regulam, ut cum daemonibus tantam contraherent familiaritatem'.

34 Author 'B' of the *Chronicle of Dieulacres Abbey, 1381-1403*, ed. M. V. Clarke and V. H. Galbraith in *Bulletin of the John Rylands Library* 14 (1930) 176.

35 John Hardyng, *Chronicle*, ed. Henry Ellis (London, 1812), p. 360. A later chronicler, John Rous, discusses Glendower himself as a magician: he is said to have had a stone which could render him invisible; it had belonged to the earl of Arundel, who had had a raven, or a spirit in the

that were used in plots against King Henry's life, there were enchantments made 'to waste him out and utterly destroy' him.³⁶

In 1406, Henry IV through his Council ordered a full-scale ecclesiastical inquisition against sorcerers of various kinds in the diocese of Lincoln who were causing injury to the people.³⁷ There is, however, nothing in the order to Bishop Repingdon to indicate that the king feared any attempt against his own person, or indeed that the magic was connected with the devil or with heresy, though it was said to be subversive of the faith. It is instructive to compare Henry's 1406 writ against witchcraft in Lincoln with the statute against heresy issued five years earlier.³⁸ Those convicted of witchcraft are to be kept in prison until they renounce their arts, whereas convicted heretics who refuse to abjure are to be burned.

It is also worth noting that there is a great deal of evidence for campaigns against heresy in the diocese of Lincoln during the tenure of Bishop Repingdon,³⁹ but no evidence of any concern on his part for the discovery of witches. Only one case of sorcery is recorded in his register: in 1417, John Smith of Alconbury was accused of practising necromancy, sorcery, and illicit conjurations, and of invoking evil spirits.⁴⁰

form of a raven, that one day had belched it up. See Rous's *Historia regum Angliae*, ed. Thomas Hearne (Oxford, 1716), pp. 206-207; Kittredge, *Witchcraft*, p. 176; Kelly, *Divine Providence*, p. 69 n. 19. Shakespeare describes Glendower as professing, much to Henry Hotspur's disbelief and disgust, to be able to summon spirits from 'the vasty deep' (*I Henry IV* 3.3.53). Hotspur replies, 'Why, so can I, or so can any man; But will they come when you do call for them?'

36 Hardyng, *Chronicle*, p. 370; Kelly, *Divine Providence*, pp. 44, 311.

37 Thomas Rymer, *Foedera*, 2nd ed. (London, 1704-1732), 8.427-28 (2 January 1406): the suspected culprits are designated as *sortilegii, magici, incantatores, nigromantici, divinitores, arioli*, and *phitones*. They disturb the people and scandalize the Church and the faith by their manifest subversion. The king proceeds as defender of the faith against those who thus impugn it, and orders their imprisonment until they reform ('quousque a suis maleficiis huiusmodi respiciant') or until he orders otherwise for their deliverance. For the moralistic habit of piling up synonyms for malefactors, see Dino Bigongiari, 'Were There Theaters in the Twelfth and Thirteenth Centuries?', *Romanic Review* 37 (1946) 201-24, especially 202.

38 See n. 25 above.

39 Margaret Archer, ed., *The Register of Bishop Philip Repingdon, 1405-1419*, vol. 1: *Memoranda 1405-1411* (Publications of the Lincoln Record Society 57; Hereford, 1963), pp. xxxiv-xxxvii. Repingdon himself was tried and convicted of heresy in 1382.

40 *ibid.*, p. xxxiii. Archer reports that a full account of Smith's activities and of his defence is given on fol. 177r-v, which of course falls beyond the portion that she has edited. I should perhaps mention here that very few episcopal registers of the fourteenth and fifteenth centuries have been published; see the list of those falling in the first half of the fifteenth century given by E. F. Jacob, *Archbishop Henry Chichele* (London, 1967), pp. 117-18. Furthermore, such registers as survive only rarely contain the records of the consistory courts, and of course never include those of the archdeacons' courts. These latter records, when not missing, are almost all unpublished; see G. R.

The reign of Henry V (1413-1422) produced a striking case of royal witchcraft jitters, which was joined to the motif of the wicked stepmother. In 1419, Henry IV's widow, Joan of Navarre, was taken into custody, so Walsingham reported, after having been 'defamed' for practising witchcraft ('de quodam maleficio') aimed at harming the king. According to the London chronicles, the dowager queen instigated a certain Franciscan, John Randolph, master of divinity, to kill King Henry by sorcery and necromancy.⁴¹ But the Rolls of Parliament record only that the friar, identified as the queen's confessor but not said to be implicated himself, brought a charge against her of attempting to murder the king, without specifying sorcery as the means.⁴² Whatever the truth of the matter, the queen was kept in confinement for almost three years (though allowed to live on a lavish scale), and her property remained confiscated. She was apparently at liberty by 13 July 1422, when her royal stepson, on his deathbed in

Elton, *England 1200-1640* (Ithaca-London, 1969), pp. 103-106, and especially Richard H. Helmholz, *Marriage Litigation in Medieval England*, Cambridge Studies in English Legal History (Cambridge, 1974).

41 Walsingham, *The St. Albans Chronicle, 1406-1420*, ed. V. H. Galbraith (Oxford, 1937), p. 123; *A Chronicle of London, from 1089 to 1827* [ed. Nicholas Harris Nicolas and Edward Tyrrell] (London, 1827), p. 107; *Chronicles of London*, ed. C. L. Kingsford (Oxford, 1905), p. 73.

42 According to this report, made on 16 October 1419, the queen's schemes 'are openly published throughout the whole realm of England'. See *Rotuli parliamentorum*, 6 vols. (London, 1767-1777), 4.118. A month earlier (25 September), Archbishop Chichele of Canterbury informed the bishop of London that King Henry wished to have prayers and processions for himself and his army in France, so that God may protect him from all of the wicked plots of his enemies and from the 'superstitious operations of necromancers, especially such as (according to report) have lately been devised by some persons for the destruction of his person'. The king ascribed the detection of these evil operations and the preservation of his person from them solely to God's goodness and the devout prayers that his people had offered for him. See the *Register of Henry Chichele* 4.206-207 and Wilkins, *Concilia* 3.392-93. The archbishop may be referring to the matter of Queen Joan and Friar Randolph; two days later (i.e. 27 September) the King's Council ordered the queen deprived of her dowry and other revenues and possessions, and four days after that she was arrested. See A. R. Myers, 'The Captivity of a Royal Witch: The Household Accounts of Queen Joan of Navarre, 1419-21', *Bulletin of the John Rylands Library* 24 (1940) 263-84, especially 264. Kittredge, *Witchcraft*, p. 80, takes the mandate simply as evidence that Henry's prelates as well as Henry himself were worried about witchcraft. However, earlier letters of the archbishop requiring prayers for peace, unity, good weather, and victory against England's enemies show no such concern; see *Register of Henry Chichele* 3.323-25 and 4.123-24 (9 April 1415); 3.435-37 and 4.127 (7 June 1415); 4.158-59 (2 August 1416); 4.167-68 (8 May 1417). In the letter of 9 April 1415, Chichele does give a certain role to the devil: the dissension, scandal, and ancient schism that afflict them have been stirred up by the enemy of the human race, but their own demerits have also deserved it all; and he sees the famine, pestilence, and other disasters that have been visited upon the usually pleasant realm of England to be the result of divine punishment (not, therefore, caused by witches). Finally, it should be noted that shortly after the queen was denounced in Parliament, Archbishop Chichele took up a witchcraft case in convocation in which no connection was made with plots against the king's life: namely the trial of Richard Walker, held on 8-9 November (discussed above at n. 22).

France, ordered her dowry restored to her, in order to clear his conscience in the matter.⁴³

It has been assumed that the friar in this case was the same Friar Randolph who, after having been committed to prison for treason, was delivered therefrom by Henry V's brother, Humphrey, duke of Gloucester, in 1425.⁴⁴ There is evidence that Humphrey was interested in 'natural magic', in the form of astrology and alchemy.⁴⁵ But sixteen years later, in 1441, he would be connected with magic in its less acceptable forms, in the most sensational witchcraft trial of the century, that of Eleanor Cobham, Humphrey's second wife.

One of the charges against Eleanor upon which she was convicted was that she 'had enforced the foresaid duke of Gloucester to love her and wed her'.⁴⁶ Gloucester first became involved with Eleanor, it seems, in 1425, the same year in which he secured Randolph's release from the Tower. At first she was only his mistress, since he was still married to Jacqueline, countess of Hainault. But when Pope Martin V in 1428 declared the marriage null and void, Humphrey hastened to marry Eleanor.⁴⁷

43 Kittredge, *Witchcraft*, p. 80; Myers, 'Captivity', 265-71.

44 K. H. Vickers, *Humphrey Duke of Gloucester* (London, 1907), pp. 276, 278. Randolph must have been sent back to the Tower in fairly short order (perhaps at the insistence of Cardinal Beaufort, Gloucester's uncle, who violently objected to the release), for it is reported that he was murdered there in 1429 by the mad 'parson of the Tower'. See W. Paley Baildon, 'The Inventory of the Goods of Brother John Randolph', *Archaeologia* 61 (1908) 166-74; Kittredge, *Witchcraft*, pp. 79-80.

45 Vickers, *Humphrey*, pp. 276, 322-23.

46 *An English Chronicle of the Reigns of Richard II, Henry IV, Henry V, and Henry VI Written before the Year 1471*, ed. John Silvester Davies (Camden Society 1.64; London, 1856), pp. 58-59; *The Brut, or, The Chronicles of England*, ed. Friedrich W. D. Brie, 2 (EETS 136; London, 1908), MS. F, pp. 480-81. These two records, both of them based on London chronicles, give the fullest account of the case, and I will be relying chiefly on them (pp. 57-60 of *English Chronicle* and pp. 477-82 of *Brut*). For a complete list of sources, see Kittredge, *Witchcraft*, pp. 416-17 n. 40.

47 Vickers, *Humphrey*, pp. 165, 204-205. A charge of witchcraft leveled at the time of Humphrey's alienation from the Countess Jacqueline is to be found in the deliberately anonymous 'A Complaint for My Lady of Gloucester and Holland'. According to the poet, a mermaid resembling an enchantress and surrounded by witches strove to make the duke's heart 'double' in love, and to estrange him from Jacqueline. One stanza goes:

This cirenes nuwe crafft oute sought
By thayre fals incantacyouns
And fals medecynes they wrought
To tempre theyre confeccyouns
In metys and dyvers pocyouns,
The prynces hert agaynst al lawe
From his promesse his hande to drawe. (ll. 64-70)

The poem has in the past been confidently ascribed to John Lydgate, a major recipient of Humphrey's patronage, and the piece appears in the Early English Text Society's edition of Lydgate's

Eleanor's accomplice in this matter was proven to be one Margery Jourdemayne, who came from the manor of Eye near Westminster — 'the Witch of Eye, whose sorcery and witchcraft the said Dame Eleanor had long time used'; Eleanor allegedly won Gloucester 'by such medicines and drinks as the said witch made'. Because of this, 'and also for cause of relapse, the same witch was burned in Smithfield', on Friday, 27 October 1441.⁴⁸ As was noted above, burning was the penalty for female traitors; some of Eleanor's other associates in magic were accused of high treason, and one of them, Roger Bolingbroke, underwent execution by hanging and quartering. But Margery is not specifically associated in the sources with treason or the alleged plots against Henry VI. Burning was also the possible penalty for relapsed or recalcitrant heretics, and heresy was one of the charges reportedly leveled against Eleanor. One well informed source says that Margery was 'burned for her false belief and witchcraft that she had used of long time'.⁴⁹ But, as we know from the canonist Lyndwood (who in 1441 was Keeper of the Privy Seal), the false beliefs or superstitions of witchcraft were not automatically labeled as heresy in England; and burning was a known penalty for witches. Perhaps, as with heresy, a second conviction for witchcraft would bring it into force. Margery had been arrested for sorcery before, in 1430, along with two clerical associates, John Virley and Friar John Asshewell, and imprisoned in Windsor Castle. They were released in 1432, Margery on her husband's bond.⁵⁰

Also arrested in London in 1430, according to the report of one chronicler, were seven female witches (*maleficae*) from various parts of the realm, for plotting the death of young Henry VI. They were imprisoned in the Fleet,⁵¹ and no more is heard of them. There is nothing to suggest that Margery and her companions were connected with such a plot, but it was a time of national apprehension on the point of witchcraft, if only because of the reverses that the English were suffering in France at the hands of the Maid of Orléans. She was denounced by another brother of Henry V, John, duke of Bedford, as 'a disciple and limb of the fiend', who 'used false enchantments and sorcery'.⁵² She was captured and delivered to the English in 1430, and burned in the next year. She was notorious as a 'false witch',⁵³ and sent to her punishment 'tanquam male-

Minor Poems 2 (London, 1934), pp. 608-13; but Derek Pearsall, *John Lydgate* (London, 1970), p. 166, strongly opposes the attribution.

⁴⁸ *English Chronicle*, pp. 58-59.

⁴⁹ *Brut*, p. 480.

⁵⁰ Kittredge, *Witchcraft*, p. 83.

⁵¹ *Chronicon rerum gestarum in monasterio sancti Albani (A.D. 1422-1431)*, ed. H. T. Riley (RS 28/3.1; London, 1870), pp. 56-57.

⁵² Rymer, *Foedera* 10.408, assigns Bedford's statement to 1428 (for 1429?). *Rot. parl.* 5.435-38 puts it in 1434.

⁵³ *Chronicles of London*, pp. 96, 133.

fica'.⁵⁴ Joan would therefore serve as a precedent for taking the same action against the Witch of Eye.

According to one continuator of the *Brut*, the charges against Eleanor Cobham came in the aftermath of an outbreak of bad weather which endangered King Henry VI on his visit to London on 15 July 1441: 'And so it was spoken amongst the people that there were some wicked fiends and spirits areared out of hell by conjuration for to noy the people in the realm and to put them to trouble, dissension, and unrest. And then it was known that certain clerks and women that are called witches had made their operation and their craft to destroy men and women, or whom they list, unto death by their false craft and working. Whereof Dame Eleanor Cobham, which was the Duchess of Gloucester, was named principally of these acts and false deeds for to destroy the king, whom God save and keep!'⁵⁵

The first to be 'taken as conspirators of the king's death' were two clerics, Roger Bolingbroke and Thomas Southwell, for allegedly attempting 'to consume the king's person by way of nigromancy'. Specifically, Southwell was to say Mass in a forbidden place (the lodge of Harnesey Park near London) upon certain instruments with which Bolingbroke used 'his said craft of nigromancy against the faith and good belief'.⁵⁶ This alleged plot was in fact uncovered before King Henry's London visit, to judge from a record of Southwell's confinement to the Tower on 10 July.⁵⁷ Presumably the two clerics were first subjected to an ecclesiastical inquisition, for Bolingbroke was made to undergo the same kind of penance as that assigned to Richard Walker in 1419.⁵⁸ On Sunday, 23 July, he was displayed on a high stage at St. Paul's Cross in the midst of all of his magical properties, which included 'images of silver, of wax, and of other metals, and swords, with many other diverse instruments of this false craft of nigromancy and the devil's power'.⁵⁹ After the sermon,⁶⁰ 'he abjured all manner articles longing in any wise to the said craft of nigromancy or missowning [discordant] to the Christian faith.'⁶¹ It was done in the presence of Henry Chichele, archbishop of Canterbury; Cardinal Henry Beaufort, bishop of Winchester (uncle of

⁵⁴ *Chronicon Angliae de regnis trium regum lancastrensiū*, ed. J. A. Giles (London, 1848), reign of Henry VI, p. 11.

⁵⁵ *Brut*, pp. 477-78.

⁵⁶ *English Chronicle*, p. 57.

⁵⁷ *Calendar of the Close Rolls: Henry VI 3* (London, 1937), p. 422.

⁵⁸ See above at n. 22. No records of trials before Archbishop Chichele appear in his register after 1428.

⁵⁹ *Brut*, p. 478.

⁶⁰ According to Giles's chronicle (n. 54 above), the sermon was preached by John Low, bishop of Rochester (p. 31), though in fact at this time Low was still bishop of St. Asaph.

⁶¹ *English Chronicle*, p. 57.

Gloucester and his deadly enemy); Robert Gilbert, bishop of London; William Ayscough, bishop of Salisbury; 'and many other great clerks', and lords temporal: 'the Earl of Huntingdon, the Earl of Northumberland, and the Earl of Stafford, and more other lords of the King's Council, and the mayor and aldermen with the commons of the City of London, and many more people of divers parts, and strangers of the realm, and aliens of other strange lands beyond the sea, being in the City of London at that time.'⁶²

It was only after this public ceremony, it seems, that Bolingbroke was examined by the King's Council, before whom he confessed that he had worked his nigromancy at the instigation of Dame Eleanor Cobham, who had desired 'to know what should fall of her, and to what estate she should come.' Such a desire could easily be taken, and obviously was so taken, to mean that she wanted to know when Henry VI would die, and whether her husband would succeed him as king. She was clearly also suspected of attempting to shorten the king's life. Eleanor was accordingly summoned to appear before Archbishop Chichele and other prelates (among them were Cardinal Beaufort, Cardinal Kemp of York, and Bishop Ayscough), who no doubt functioned as the archbishop's assessors, or judicial assistants. The duchess was to answer the charges contained in certain articles 'of nigromancy, of witchcraft or sorcery, of heresy, and of treason'.⁶³ It was clearly an *ex officio* inquisition, with the charges being leveled by the archbishop himself.⁶⁴ The chroniclers are no doubt misleading in indicating that she

⁶² *Brut*, p. 478.

⁶³ *English Chronicle*, p. 58. *Brut*, p. 479 adds to the list of attending prelates the bishop of London and the bishop of Bath (John Stafford). Eleanor was examined on 'twenty-eight divers points both of felony and treason'.

⁶⁴ Even when accused persons are tried in provincial councils, that is the convocations of the Province of Canterbury, it is Archbishop Chichele himself, as metropolitan of the province, who is the sole judge. In contrast, when grants of money are given, the archbishop and the other bishops and clergy make the concession jointly (see, for example, *Register* 3.87, 113). Sometimes the language of the register suggests that the whole council also acts in sentencing and punishing offenders; for instance, the punishment of the sorcerer Richard Walker, discussed above at n. 22, was ordained 'auctoritate totius concilii' (3.55; cf. 56, 68, 204). But whenever the register provides the word-for-word formulas by which the archbishop convenes trials or articulates objections or gives sentence, it is clear that the other participants in the convocation have a purely advisory role. For instance, though the archbishop and his brethren seem to be placed on equal terms in ordering the punishment of the counterfeiter John Wathe ('per avisamentum domini et confratrum suorum punitus', 3.92), Chichele describes himself in the formula of sentence as 'iudex unicus' (3.100). The other bishops present at such trials, in contrast to the lower clergy, are always described in the verbatim formulas as *assidentes* to the archbishop (see 3.124, 126, 133, 205); and the same is true of the single non-convocation trial recorded in the register, convened *ex officio mero* (3.171). On the point of heresy trials before convocation, I question E. F. Jacob's interpretation of Chichele's 1416 constitution (*Register of Henry Chichele* 3.18-19). According to Jacob, the archbishop gives the diocesans the choice, when Lollardy is proven, of condemning the offenders to prison or of bringing the accused before the provincial council (l. cxxxii). In fact, what the archbishop says is that if the bishops do not hand convicted heretics over to the secular court, they are to imprison

was formally charged with treason, which was not an ecclesiastical or 'clergyable' offense, but nevertheless it is likely that her allegedly treasonable motives would have been detailed in the articles.

Before she could be apprehended, Eleanor had fled to sanctuary at Westminster,⁶⁵ but she answered the summons and appeared at St. Stephen's chapel in the king's palace at Westminster, on Tuesday, 25 July. She pleaded 'not guilty' to the twenty-eight charges objected against her, 'and so they let her go safe again to the sanctuary until the morrow, that was St. Anne's Day.' On that day, she came again, as cited, and Bolingbroke was brought forth as a witness. He 'vouched all these points upon her that were showed the day abovesaid to her, whereof she knowledged some points at that time, the number of five'.⁶⁶

The trial was adjourned until the autumn, and the bishops in due course ordered Eleanor kept in Leeds Castle in Kent until the process reconvened. She, however, was unwilling to leave sanctuary and pretended to be ill. She then attempted to leave secretly on the river, but was apprehended and taken to the castle.⁶⁷

them for life or at least until the next provincial council. At the provincial council, *anyone interested* in the further execution of the various heresy trials conducted by the bishops can avail himself of the records deposited with the official of Canterbury by the bishops. The constitution therefore does not lay the sole or primary charge of further execution upon the bishops. Nor is it only for such appealed or prolonged cases that reports are to be submitted to convocation. Jacob arrived at this latter conclusion through an unfortunate *lapsus oculi* (or, more technically, proleptic ellipsis arising from homoeoarchon), as is demonstrated from his translation on l. cxxxii n. 1, which omits several lines of the text on 3.19. The relevant Latin passage, with Jacob's omission in brackets, reads as follows: 'Ac de [omnibus et singulis supradictis, quo videlicet inquisierunt, reperierunt, ac in processibus se habuerunt, personas huiusmodi convictas custodiri fecerunt, diligentisque aut negligentis archidiaconorum sive commissariorum praedictorum, aliisque] omnibus et singulis circumstantiis praemissis quomodolibet concernentibus, ac praesertim de abiurationibus, si quos interim haereres abiurare contingat, in proxima praelatorum et cleri convocatione sub forma publica distincte et aperte nos et successores nostros certificare curent; et eosdem processus officiali curiae nostrae Cant. effectualiter liberent penes eundem seu in registro curiae nostrae Cant. remansuros, sic videlicet quod quilibet cuius interest pro executione ulteriori eorundem processuum ad eundem officialem recursum habere poterit cum effectu.' That is to say, the bishops are to make a formal report concerning *all* of the above-stated measures ordered against heretics, including the inquiries to be undertaken at least semi-annually by the bishops and archdeacons or their commissaries; and the trial records to be filed with the official of Canterbury are not restricted to those cases where the convicted heretics have been imprisoned only temporarily.

⁶⁵ *English Chronicle*, p. 57. The dates given in this report are unreliable. Bolingbroke's disgrace is said to have occurred on Sunday, '25 July' (meaning 23 July), Eleanor's flight on the night of the next Tuesday, and her citation as for Monday, '22 July' (meaning 24 July). According to William Worcester, *Annales rerum anglicarum*, Eleanor fled to sanctuary on the eve of St. Margaret, that is, on the previous Wednesday, 19 July. See the editions by Thomas Hearne in *Liber niger scaccarii* 2 (Oxford, 1774), p. 460 and by Joseph Stevenson in *Letters and Papers Illustrative of the Wars of the English in France* (RS 22/2.2; London, 1864), p. 762.

⁶⁶ *Brut*, pp. 478-79.

⁶⁷ *English Chronicle*, p. 58. *Brut*, p. 497 says she was taken into custody on 11 August.

Meanwhile, on the same day as Eleanor's second appearance in court, namely, 26 July, the young king (he was still only nineteen years old) took action himself, or at least action was taken in his name: he ordered a comprehensive investigation to be made into this 'false deed and cursed imagination to the king and to the realm',⁶⁸ and an inquiry into 'all manner treasons, sorcery, and all other things that might in any wise touch or concern harmfully the king's person'.⁶⁹ Four inquests were ordained in the City of London, and other inquests were held throughout Middlesex. Eleanor was indicted for felony and treason in both jurisdictions.⁷⁰ The indictment handed down in the Guildhall of London named Bolingbroke and Southwell as principals and Eleanor as accessory, according to one chronicle, which adds immediately: 'And this same time was taken a woman called the Witch of Eye', on the charges I discussed earlier.⁷¹

The indictment of the London jurors is still extant in the Public Record Office, and it has recently been summarized and partially transcribed. Eleanor was accused of plotting to make herself queen, and because Henry VI's prosperity stood in the way she sought the assistance of Roger Bolingbroke, a clerk of her household, a great astronomer famous for his knowledge of the black arts. Bolingbroke was said to have contacted demons and other malign spirits in earth and air on several occasions between 29 June 1440 and 23 March 1441; and during this time, through the assent and command of Eleanor and of Thomas Southwell, to have assiduously labored over the king's horoscope to see when he would die — even though according to the determination of Holy Church and the teaching of divers doctors it was forbidden to any liege of the king to make such calculations about kings and princes without their consent. It was charged further that on 27 October 1440 Bolingbroke, with Southwell's assent, feloniously and traitorously revealed to Sir John Solers and many others that according to his calculations he knew well that the king would soon die; his alleged motives for this revelation were to take away from the king the cordial love (of

68 *Brut*, p. 479: the king entrusted the investigation to the mayor, aldermen, and commons of London; the earls of Huntingdon, Stafford, and Northumberland; Sir Ralph Cromwell, treasurer of England; Lord Fanhope (Sir John Cornwall); Sir Walter Hungerford and other knights and squires.

69 *English Chronicle*, p. 58: the commission was directed to the earls of Huntingdon, Stafford, and Suffolk, 'and to certain judges of both benches'.

70 *Brut*, p. 479. After mentioning that Eleanor was delivered to custody on 11 August, the *Brut* speaks of 'other of her counsel and affinity ... both men, women, witches, and other', who are to be kept in the Tower at the king's command. The order to keep her in Leeds Castle must have been delayed until she could be indicted in the secular courts (see below). It was only on 9 August that King Henry ordered her held in custody at Leeds, because of certain crimes, defects, and causes that had been laid against her by the archbishop of Canterbury on 25 July (Rymer, *Foedera* 10.851).

71 *English Chronicle*, p. 58.

the people), and to cause the king by his very knowledge of the revelation to become so overwrought by sorrow that he would more quickly die.⁷²

On 19 October, Eleanor was brought back to Westminster, and her ecclesiastical trial resumed on the next day, when she appeared to be 'examined of her sorcery, and witchcraft, and treason'.⁷³ A more circumstantial account of this day in court says that certain articles were objected against her 'of sorcery and nigromancy', with no mention of treason — or of heresy.⁷⁴ Perhaps the charges against her had been reduced; or it may be that the chronicler is being more accurate here than he was before, and that there never was a formal charge of heresy against her (I have already noted the unlikelihood that she would have been directly accused of treason in such a court). The articles were read by 'Master Adam Moleyns, then clerk of the King's Council' (he later became bishop of Chichester), who apparently served as the 'promoter' or judicial aide.⁷⁵ Because of illness, Archbishop Chichele was not able to preside over the court himself, but committed his power to Bishops Gilbert of London, William Alnwick of Lincoln, and Thomas Brown of Norwich.⁷⁶

72 Public Record Office, King's Bench 9 (Ancient Indictments)/ 72/14, as given in J. G. Bellamy, *The Law of Treason in England in the Later Middle Ages*, Cambridge Studies in English Legal History (Cambridge, 1970), pp. 126-27, 236-37 (and cf. pp. 153-54). This is the first clear case that Bellamy can cite of witchcraft or necromancy being regarded specifically as treasonous. As a contrast, he refers to the case of John de Nottingham in 1324; he had agreed to kill the king and others by his arts and had made seven wax images for the purpose, but was appealed merely for felony (p. 126 n. 1, citing *Select Cases in the Court of the King's Bench*, ed. G. O. Sayles (Selden Society 75; London, 1955), pp. 154-57). But it is noteworthy that when Parliament finally passed a statute against calculating the sovereign's life, the offense was made a felony, not treason: 23 Elizabeth I c. 2 (1580-1581), *Statutes of the Realm* (1810-1828, rpt. London, 1963), 4.1.659-60. On wax images, I should point out that it is only according to a later historian, Robert Fabyan, in his *New Chronicles of England and France*, ed. Henry Ellis (London, 1811), p. 614, that Eleanor and her associates were charged with having used a wax image of Henry VI in order to kill him. Fabyan died in 1513, and his work was first published in 1516.

73 *Brut*, p. 480. *English Chronicle*, p. 59 says that the trial reconvened on Saturday the 21st.

74 *English Chronicle*, p. 59.

75 See R. Naz, 'Promoteur de justice', *Dictionnaire de droit canonique* 7.357-58. The promoter was not an independent 'prosecuting attorney', but simply filled the judge's accusatorial role. The promoter of Cardinals Campeggio and Wolsey in the legatine trial of 1529 was John Hughes, who has left a memorandum of his duties. See *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer et al., 22 vols. (London, 1856-1929; corr. rpt. Vaduz, 1965), 4, no. 5613.7. I describe his activities at length in *The Matrimonial Trials of Henry VIII* (Stanford, 1976). It was customary for the judge himself to level the first set of charges, and to assign this function to a promoter only in certain contested or complicated cases, where further formulations of charges were necessary. The Chichele register provides examples in the English and Roman trials of William Russell (3.126 ff. and 139 ff.). In the English trial, held before convocation, two promoters were appointed, but after their first appearance only one of them, namely Richard Collyng, vicar of St. Laurence Jewry, continued to function in the case. It is noteworthy that Collyng is said to have been appointed *by the clergy* to promote the archbishop's office against Russell (3.146; cf. p. 126).

76 *English Chronicle*, p. 59; *Brut*, p. 480 adds the bishop of Salisbury. There is an instance in

According to one report, Eleanor denied all of the charges now objected against her;⁷⁷ according to another, 'some she denied and some she granted', but on the next day of trial, Monday the 23rd, she 'was convict of the said articles', and had nothing to say when given the opportunity to impugn the witnesses brought against her, but simply submitted to the bishops' correction.⁷⁸ The *Brut* gives details of the witnesses who appeared on that day. First of all, Bolingbroke and his instruments were brought before her. She denied the intent that had been placed on her activity, and said 'that she did it for to have borne a child by her lord, the Duke of Gloucester'.⁷⁹ Southwell too testified against her, as did Margery Jourdemayne, who said that 'she was causer and doer of all this work and deed'.⁸⁰

On the following day, Friday, 27 October, 'the said Eleanor abjured before the bishops the articles abovesaid. And then she was enjoined for to appear before the said Archbishop of Canterbury or his foresaid commissioners the Thursday, the ninth day of November next following, for to receive her penance'.⁸¹ Margery Jourdemayne met her fate on the day of Eleanor's abjuration, which was also the day on which Southwell was to be arraigned.⁸² But he died in the Tower the night before, in accord with his prophecy 'that he should die in his bed, and not by justice'.⁸³ For some reason the secular trial of Bolingbroke and others involved in the case was not held for some weeks.

On the final day of Eleanor's trial, Thursday, 9 November, Archbishop Chichele himself appeared to deliver the sentence, in the company of Cardinals Beaufort and Kemp, Bishops Gilbert, Alnwick, Ayscough, and Brown, 'with divers doctors and masters of divinity'; he 'divorced and departed the Duke of Gloucester and Dame Eleanor Cobham, as for matrimony made before between them two'.⁸⁴ Historians have not always noticed this important conclusion of the Cobham witchcraft trial, namely that the court upheld the charge that Eleanor

Chichele's register (3.198-200) of his temporarily committing the conduct of a trial in convocation to another bishop.

77 *Brut*, p. 480.

78 *English Chronicle*, p. 59.

79 It seems that Eleanor had borne two children to Gloucester before he married her (Vickers, *Humphrey*, p. 205), but none after.

80 *Brut*, p. 480.

81 *English Chronicle*, p. 59.

82 *Brut*, p. 509 (MS. G, the version that Caxton printed in 1480). Another chronicler speaks of this Friday as the day of his condemnation; see C. L. Kingsford, 'Brief Notes for 1440-1443' in his *English Historical Literature in the Fifteenth Century* (Oxford, 1913; rpt. New York, n.d.), p. 340; in *Chronicon Angliae* (n. 54 above), p. 31, it is the day of his punishment. But, as we shall see from the case of Roger Bolingbroke, it seems that all of these actions could occur on the same day.

83 *Brut*, p. 509.

84 *Brut*, pp. 480-81. *English Chronicle*, p. 59 gives the date correctly (*Brut* says 6 November).

had coerced the duke into marrying her by means of sorcery, and that therefore they found the marriage null and void from the beginning. The accuracy of this reported annulment is confirmed by the findings of Humphrey's biographer; though unaware of the sentence of 'divorce', he noticed that after her trial, 'her rank was not recognized, for she is described in all official documents as "Eleanor, lately called Duchess of Gloucester"'.⁸⁵

Secondly, on the day of sentence, 'Dame Eleanor Cobham, by ordinance and charge of the Archbishop of Canterbury and his brethren, was joined to her penance for the great offence and trespass that she had done against God and holy Church and for the false sorcery and witchcraft that she used and long time had wrought'.⁸⁶ This wording seems to confirm my earlier speculation that the charges of heresy and treason allegedly brought against her in her first appearance in the archbishop's court were either dropped or never levied in the first place. We have seen, of course, that she was indicted of treason and felony in the secular courts, but the fact that we hear nothing of her arraignment before them suggests that the case was abandoned. Perhaps it was felt that the punishment to be meted out by the church court was sufficient, though J. G. Bellamy notes the possibility that she was not put on trial because there were no satisfactory precedents for trying peeresses on such crimes — a lack that was remedied in the Parliament of January-March 1442.⁸⁷

In one account, an abbreviated London chronicle, Eleanor is said to have been condemned as a heretic as well as a witch: 'adiudicata et damnata pro haeretica et nigromantica'. Furthermore, part of the penance she received, namely to go in pilgrimage, taper in hand, to different churches on three market days of the following week, resembles the penalty enjoined forty years later on another woman, Margaret Geffrey. In her case too there was the rare union of heresy and sorcery in the charges against her, and she, like Eleanor, sought to win a wealthy husband by means of magic. But this form of penance was confined neither to sorcery nor heresy, but was in fact a common punishment visited upon convicted adulterers and fornicators.⁸⁸

85 Vickers, *Humphrey*, p. 274. Cf. Rymer, *Foedera* 11.45, for the order of 26 October 1443 'de conducendo Alianoram Cobeham'; here her former title is not even referred to. When, shortly after Gloucester's death in February 1447, Eleanor was prevented by King Henry from inheriting any of his goods, she is described as having been his uncle's wife: 'quae fuit uxor avunculi sui nuper ducis Gloucestr.' (*Rot. parl.* 5.135). See Kingsford, *English Historical Literature*, p. 93, for other implications of the annulment.

86 *Brut*, p. 481.

87 Bellamy, *Law of Treason* (n. 72 above), p. 154 and note, citing *Rot. parl.* 5.56.

88 The Latin chronicle is MS. Rawlinson B 355, ed. Ralph Flenley in *Six Town Chronicles of England* (Oxford, 1911), p. 102; see Kingsford, *English Historical Literature*, pp. 79-81, 112 (addendum). For Margaret Geffrey, see above, n. 10 (no. 4) and n. 16 (no. 7). On penances for adultery and fornication, see Helmholz, *Marriage Litigation* (n. 40 above), p. 182.

Eleanor's offences, of course, were much more serious than Margaret Geoffrey's; not only did she, unlike Margaret, succeed in her magical matrimonial scheme, but her experiments with the occult must also, in the judgment of the ecclesiastical and secular authorities, have touched somehow on the life expectancy of the king. Accordingly, after her three days of public penance, 'she was committed again to the ward of Sir Thomas Stanley, wherein she was all her life after, having yearly 100 mark assigned to her for her finding and costs; whose pride, false coveteise, and lechery were cause of her confusion.'⁸⁹

On the day after Eleanor's final day of public humiliation, that is on Saturday, 18 November, Roger Bolingbroke 'was brought to the Guildhall with Sir John Hom, priest, and William Wodham, squire', but Hom and Wodham were pardoned.⁹⁰ Hom, or Hune, is identified as one of Eleanor's chaplains in another chronicle, according to which he was condemned for treason and sentenced to death before being pardoned by the king.⁹¹ Bolingbroke, however, was not so fortunate. He was arraigned before the lords and justices 'of the foresaid articles of treason against the king's person, and thereof by twelve men of London he was found guilty. Wherefore by the judgment of Sir John Hody, that time Chief Justice of the King's Bench, he was drawn from the Tower of London unto Tyburn; and there he was hanged and let down half alive, and his bowels taken out and burned, and his head smitten off and set on London Bridge, and his body quartered and sent to certain towns of England, that is to say, Oxford, Cambridge, York, and Hereford. And when the said Master Roger should die, he confessed that he was never guilty of any treason against the king's person; but he presumed too far in his cunning, as he said, whereof he cried God mercy; and the justice that gave on him judgment lived not long after.'⁹²

Perhaps by this last detail the chronicler is implying that Bolingbroke's punishment was more severe than his guilt warranted. Another chronicler, William Worcester, testifies that many made great lamentation over his death, though admittedly he had been Eleanor's counsellor in the magic art; but he speaks of him in seemingly praiseworthy terms as one of the most famous scholars in the world in astronomy and the nigromantic art.⁹³

The long account of Eleanor in the *Brut* ends as it began, with a fierce attack of weather that seems somehow attributable to her: she was kept in ward in the constabulary of Westminster until Wednesday, 24 January 1442; and when she

⁸⁹ *English Chronicle*, p. 60.

⁹⁰ *Chronicles of London* (n. 41 above), p. 149; *A Chronicle of London* (n. 41 above), pp. 129-30.

⁹¹ *Brut*, p. 509 (MS. G).

⁹² *English Chronicle*, p. 60.

⁹³ Worcester, ed. Stevenson, *Letters and Papers* (n. 65 above), p. 763.

was brought out to begin her journey to the Isle of Man, 'there was such weathering of thunder, lightning, hail, and rain that the people were sore adread and aghast of the great noise and hideous of the weather, that suddenly was done and showed there at their passage at that time.'⁹⁴

I have gone into such great detail in this case, not only because it has not been done before, but also because of its importance as an illustration of the moderation and due process which the English courts, both ecclesiastical and secular, could bring even to a witchcraft scare of nationwide scope. After widespread investigations and inquests, only a handful of people were brought to justice, and no doubt all of them were truly implicated to some extent in the forbidden arts. This is not to say that political and private prejudice played no part in the prosecutions; it undoubtedly did. But the authorities never lost control of the machinery of justice; and, though such simple phenomena as electrical storms could create something of a panic among the people, there seems never to have been any real danger of a large-scale persecution of suspected witches.

The case is also interesting because of the picture it gives of the interplay between secular and ecclesiastical courts. Unfortunately, the picture is only a very partial one. Without the actual trial records we cannot tell the precise official relationship between the two systems, let alone determine whether or not there was any cynical manipulation of one jurisdiction by the other. We cannot even tell whether the church courts always had priority in witchcraft cases, or whether it was left to the discretion of the secular and/or ecclesiastical authorities. It may be that all of the implicated persons in the affair were given an ecclesiastical trial before any secular judgment upon them was passed, even though for some of them no records of such proceedings have yet been uncovered.

The exposure that the Cobham case gave to witchcraft as a threat to government does not appear to have inspired apprehensions of this sort during the generation that followed, even though the country was torn by the respective claims of the Lancastrians and Yorkists. Similarly, little mention is made of the devil's opposition during the Wars of the Roses, though there is an abundance of assertions of divine support.

It is only at the end of the long contest between the allies of Henry VI and the party of the duke of York that I have found any reference to the influence of occult powers. But it is simply a matter of vague allegations implicating Friar Bungay, who seems to have ranked with Roger Bolingbroke as (in Worcester's words) '*quidam clericus famosissimus unus illorum in toto mundo in astronomia et arte nigromantica*'. He was implicated on the basis of that by now familiar form of spectral evidence, unfavorable weather. When Queen Margaret, wife of

Henry VI, was prevented for a long time from crossing the English Channel to join in the attack against the Yorkist Edward IV, it was said to be God's will by her enemies, and by others, who bore her good will, 'that it was done by some sorcery or witchcraft of one named at that days Bungay or such other'.⁹⁵ When in the next year (1471) the Lancastrian lords were hampered by mists and other impediments at the battle of Barnet, the rumor was that they were caused by the incantations of Friar Bungay.⁹⁶

Witchcraft came seriously to the fore again only within the York family itself, in connection with Edward IV's brothers, George duke of Clarence and Richard III, and Edward's queen, Elizabeth Woodville.

Clarence was convicted of treason early in 1478, and apparently executed in secret. The chronicler John Rous, writing a decade later, maintains that he met his fate because credence was given to a prophecy to the effect that after 'E' 'G' would reign; Rous also reported that Humphrey of Gloucester was said to have been killed in order to forestall a similar prophecy (viz., that Gloucester would kill Henry VI). Both prophecies, he said, were fulfilled by Richard, duke of Gloucester (that is, Richard III).⁹⁷ A generation later Polydore Vergil discounted the prophecy as motive for Clarence's conviction, though he attributed the idea of its fulfillment in Richard to the illusions of demons. After writing the first draft of his history, Vergil apparently read some form of the Croyland Chronicle, where he found a more plausible reason for Clarence's downfall, namely the duke's complaints after one of his servants was put to death for practising *veneficium*.⁹⁸

95 *The Great Chronicle of London*, ed. A. H. Thomas and I. D. Thornley (London, 1938), p. 214.

96 Fabyan, *English Chronicles* (n. 74 above), p. 661. Kittredge, *Witchcraft*, p. 153, mistakenly says that it was the Yorkist lords who were so impeded.

97 Rous, *Historia regum* (n. 35 above), p. 215; Kelly, *Divine Providence*, p. 70. Alice Hanham, *Richard III and His Early Historians, 1483-1535* (Oxford, 1975), p. 121, badly mangles Rous's meaning in her translation of the manuscript text (a plate of which appears opposite p. 121): she renders the phrase *nempe quod dux Gloucestriae ipsum interficeret* as 'but undoubtedly that Duke of Gloucester killed himself', whereas it means 'namely, that the Duke of Gloucester would kill him', i.e. Henry VI.

98 For Vergil's dependence on the Croyland Chronicle materials, see Kelly, *Divine Providence*, p. 90 and note, and cf. Hanham, *ibid.*, pp. 96, 135-51; Hanham, however, is hampered in her analysis not only by her imperfect hold on the Latin language, but also by her failure to use Vergil's draft history, Vatican MS. Urb. lat. 498. In his first version, Vergil said that he inquired into the cause of Clarence's downfall from many authorities still living, but could find nothing certain; and after dismissing the 'G' prophecy he indulged in some reflections on providential justice (for which, see Kelly, *Divine Providence*, pp. 98-99, 325), which he later cancelled, and added the Croyland story on an inserted page (namely fol. 211). Hanham suggests that Vergil did not read the Croyland Chronicle in its present form, but rather the 'Ur-text' probably written by John Russell (see the next note). For Vergil's added account of Clarence's fall as he kept it in his printed editions, see the early English translation of his second edition (1546), ed. Henry Ellis, *Three Books of Polydore Vergil's English History* (Camden Society 1.29; London, 1844), pp. 167-68.

The Croyland report of this last-named incident may come from one of Edward IV's councillors, John Russell, at that time bishop of Rochester.⁹⁹ He identifies the servant in question as Thomas Burdett, who was allegedly in league with 'Master John Stacy, a person who was called an astronomer, when in reality he was rather a great sorcerer' (*necromanticus*). Stacy first came to the attention of the authorities in 1477, when he was accused of attempting to murder Richard Lord Beauchamp by sorcery. His connection with Burdett was brought out during an *acerrimum examen* — literally 'a very severe examination'. Kittredge assumes from this phrase that Stacy was 'examined under torture'.¹⁰⁰ He is doubtless correct. As we have seen, William Lyndwood considered the use of torture even by the ecclesiastical authorities in proceedings against heretics to be approved by canon law; and though there may have been no clear sanction of its use by the secular arm, it would be surprising if it were not employed on occasion at the call of convenience or necessity. We know for certain that it was used by the King's Council in the sixteenth and seventeenth centuries; and William Worcester reports a case of the same thing under Edward IV, some years before the Stacy affair. Much earlier still, Geoffrey Chaucer adds details of torture to his sources so casually as to suppose a familiarity with the procedures among his listeners and readers.¹⁰¹

99 Bishop Russell's connection with the Croyland Chronicle was suggested by Paul Murray Kendall, *Richard III* (London, 1956), p. 432, which I discussed in my 'Canonical Implications of Richard III's Plan to Marry His Niece', *Traditio* 23 (1967) 269-311, especially 272-73. But J. G. Edwards, 'The "Second" Continuation of the Crowland Chronicle: Was It Written "in Ten Days"?', *Bulletin of the Institute of Historical Research* 39 (1966) 117-29, shows that the ten days of April 1486 mentioned at the end of the continuation refers not to the writing of the chronicle but to a legal action presided over by Russell as bishop of Lincoln. He also calls Russell's part in the compilation of the chronicle into question, but Hanham, *ibid.*, pp. 86-96, defends Russell as the most likely candidate. I agree, and would add that even if the bishop did not compose his history at Croyland at that time (when, we are told, he spent not just ten days but a whole month at the abbey), it is a likely time for his account to have been left at Croyland. For the passage dealing with the duke of Clarence's downfall, see the *Continuatio historiae croylandensis*, ed. William Fulman, *Rerum anglicarum scriptores veteres* 1 (Oxford, 1684), pp. 561-62, and the translation of Henry T. Riley, *Ingulph's Chronicle of the Abbey of Croyland, with the Continuations by Peter of Blois and Anonymous Writers* (London, 1854), pp. 478-79.

100 Kittredge, *Witchcraft*, p. 139. Hanham, *ibid.*, p. 137 gives the same rendering.

101 For Lyndwood, see above at nn. 19-20; on torture under the Tudors and Stuarts, see Stephen, *History of Criminal Law* (n. 25 above), 1.222. Worcester, ed. Stevenson, *Letters and Papers* (n. 65 above), pp. 789-90, says that in 1468 a certain shoemaker named Cornelius, servant of Sir Robert Whittingham, was arrested for carrying letters from Margaret of Anjou; in the Tower, he was forced to implicate others by having fire applied to him while his feet were being racked or squeezed: 'Ibidem comburitur pedibus in tormentis dictus Cornelius ad confitendum multa'. Bellamy, *Crime* (n. 10 above), p. 140, cites John Stow as saying that John Hawkins, one of the men implicated by Cornelius, was put on the rack: 'He was brought to the brake, called the Duke of Exeter's daughter.' The Duke of Exeter in question is John Holland, constable of the Tower under Henry VI, who according to Coke introduced the rack as part of a plan to bring imperial civil

Stacy and Burdett were accordingly brought to trial at the order of the king, and there was allegedly uncovered a witchcraft plot against the king. The two were convicted of treasonably imagining and compassing the death of King Edward by necromancy and other means at various times during the previous three years.¹⁰² Both protested their innocence, but they were nevertheless hanged, drawn, and quartered on 20 May 1477.

Clarence made his protest almost immediately after the executions, and within

law to England (*ibid.*, p. 139). On Cornelius and Hawkins, see also Bellamy, *Law of Treason* (n. 72 above), pp. 140-41, 147, 164. As for Chaucer, he has Theseus tell Palamon (*Knight's Tale*, ll. 1744-1747):

Youre owene mouth, by youre confessioun,
Hath dampned yow, and I wol it recorde;
It nedeth noght to pyne yow with the corde.
Ye shal be deed, by myghty Mars the rede!

Earlier, Palamon told Arcite that they had agreed not to hinder each other in love, even though they had to die 'in the peyne' (line 1133), and Pandarus uses the same expression in *Troilus and Criseyde*, l. 764. It clearly does not refer to the 'strong and hard prison' (*peine forte et dure*) inflicted on those who refused trial by jury (i.e. refused to plead guilty or not guilty), which led to the practice of 'pressing' beginning under Henry IV. See Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), pp. 24-25; Stephen, *History of Criminal Law* (n. 25 above), 1.299-300; Bellamy, *Crime*, pp. 138-39, 141-42. In the *Stanzaic Morte Arthur* (late fourteenth century, surviving in a late fifteenth-century manuscript), the author uses the term 'hard pain' to mean torture, in an episode added to the story of the poisoned apple in the French *Mort Artu*: the squires who served at the table are taken into custody, 'and thay ar put in harde payne'; one of them confesses: 'There he grauntyd amonge hem alle, It myght no lenger be to layne [i.e., hidden] How in an appelle he dede the galle'; ed. J. Douglas Bruce, EETS, ES 88 (London, 1903; rpt. Millwood, N.Y., 1975), p. 48. lines 1648-1654. In Chaucer's *Nun's Priest's Tale* Chanticleer tells Partlet of the fate of two murderers:

And right anon, ministres of that toun
Han hent the carter and so soore hym pynded,
and eek the hostiler so soore engyned,
That they biknewe hire wikkednesse anon,
And were anhangid by the nekke-bon. (ll. 3058-3062)

In the year 1433 a merchant complained to Commons that the lord of the port city of Gildo in Brittany had imprisoned a servant of his 'and engined him so that he was in point of death' (*Rot. parl.* 4.475). In the Wakefield Cycle play of the Crucifixion (late fourteenth or early fifteenth century, preserved in a late fifteenth-century manuscript), the attendants, called torturers (*tortores*), say that Christ would have done another trick if he had had the rack:

He wold have turnyd an othere croke
Myght he have had the rake.

See *The Townley Plays*, ed. George England, EETS, ES 71 (London, 1897; rpt. 1966), p. 260, ll. 87-88.

102 J. R. Lander, 'The Treason and Death of the Duke of Clarence: A Reinterpretation', *Canadian Journal of History* 2.2 (1967) 1-28, especially 8, citing the *Third Report of the Deputy Keeper of the Public Records*, app. 2 (London, 1842), pp. 213-14.

a few weeks he himself was arrested. Among the charges upon which he was convicted in February 1478 was that he had accused King Edward himself of using sorcery: Clarence 'said and labored also to be noised by such his servants apt for that work that the king our sovereign lord wrought by nigromancy and used craft to poison his subjects, such as him pleased'. He was also charged with having accused Edward of designs upon his own life, and perhaps it was meant as an illustration of the way in which the king used witchcraft: he declared 'that the king intended to consume him [Clarence] in like wise as a candle consumeth in burning'.¹⁰³

Edward IV had been connected with another familiar sort of witchcraft plot some years earlier, when his mother-in-law, Jacquetta of Luxemburg, duchess of Bedford, was accused by one Thomas Wake of making magic images — specifically an image of the king and one of her daughter, Elizabeth Woodville Grey.¹⁰⁴ Presumably the purport of the accusation was that the duchess had by her witchcraft engineered the king's infatuation with her daughter, which led to his at first secret, then public, marriage to her.

Edward's union to Elizabeth was made public in 1464, and Wake's accusation came only several years later: Jacquetta was cleared of the charge on 22 January 1470. Whether or not Wake was attempting to impugn the king's marriage at this time can only be conjectured; but that was clearly the intent of the charge when the matter was taken up again after Edward's death in 1483, in support of Richard III's claim to the throne. The parliamentary statement of the accusation is couched in terms of notoriety resembling those of articles in an *ex officio* inquisition: 'The said pretended marriage ... was made ... by sorcery and witchcraft, committed by the said Elizabeth and her mother Jacquetta, duchess of Bedford, as the common opinion of the people and the public voice and fame is through all this land, and hereafter, if and as the case shall require, shall be proved sufficiently in time and place convenient'.¹⁰⁵

103 *Rot. parl.* 6.194; Kittredge, *Witchcraft*, p. 140.

104 Kittredge, *Witchcraft*, p. 84.

105 *Rot. parl.* 6.240-42, reprinted by Mortimer Levine in *Tudor Dynastic Problems, 1460-1571*, Historical Problems, Studies and Documents 21, ed. G. R. Elton (London, 1973), pp. 135-37. The declaration was first presented to Richard late in June (by the 26th) of 1483, and then ratified under his parliament early in 1484 (see Levine, pp. 28-29). Cf. the language of the articles in the legatine trial of 1529. The first article, as given in Cambridge University Library MS. Dd. 13.26, fol. 6, reads: 'In primis vobis, illustrissimo principi Henrico octavo, ad effectum supradictum obiicimus, exponimus, articulamus, et ministramus: Quod vos et celeberrimae memoriae Arthurus, perennis famae Henrici septimi nuper regis Angliae et dominae Elisabeth consortis suae primogenitus, fratres ex eisdem parentibus geniti eratis ac pro talibus in regno Angliae et alibi communiter habitii et reputati fuistis sicuti estis de praesenti, haecque fuerunt et sunt vera, publica, et notoria, ac de et super eisdem laborarunt et laborant publica vox et fama, ac obiicimus coniunctim et divisim et de quolibet'.

In this charge Queen Elizabeth herself is included in the practice of witchcraft, which perhaps reflects the fact that a short time before (on 19 June 1483) Richard, according to Polydore Vergil, had accused that witch (*illa maga*) Queen Elizabeth of afflicting his body with her *veneficia*. Thomas More, who, according to Alice Hanham's plausible argument, was drawing on an early version of Vergil's history, gives the queen an unlikely associate, Edward IV's mistress: 'That sorceress and that other witch of her counsel, Shore's wife, with their affinity, have by their sorcery and witchcraft wasted my body'.¹⁰⁶

The traditional view, which Hanham opposes, is that More's chief informant was John Morton, who in 1483 was bishop of Ely. In More's narration, Richard's charge occurred just after Morton had sent for some strawberries from his garden at Richard's request. It has been suggested that Richard deliberately simulated a witchcraft attack by eating strawberries, to which he knew he was allergic.¹⁰⁷ Or, taking a less villainous view of Richard and assuming some basis in fact for More's story (a dangerous assumption), we might conjecture that the Protector was genuinely frightened by some consequence of the bishop's gift. Be that as it may, I know of no direct evidence associating Morton with a witchcraft plot against Richard.¹⁰⁸ He was, however, linked with a 'nigromancer', one Thomas Nandyk, who joined Buckingham's rebellion against Richard in the autumn of 1483. But in Richard's strange proclamation of 23 October, in which he goes out of his way to condemn sexual immorality (in particular, he denounces the ex-Marquess Dorset, Queen Elizabeth's son, for 'holding the unshameful and mischievous woman called Shore's wife in adultery'), he does not bring up the matter of witchcraft.¹⁰⁹ When the participants in the revolt were attainted by Parliament early in 1484, five instigators of the treason were named, including

106 Thomas More, *The History of King Richard III*, ed. Richard S. Sylvester, *Complete Works of St. Thomas More* 2 (New Haven, 1963), pp. 47-48; see *ibid.*, pp. 218-19 for the text of Vergil's account (from the Ellis ed., n. 98 above, pp. 180-81). See Hanham, *Richard III* (n. 97 above), pp. 152 ff.: 'Sir Thomas More's Satirical Drama'. As I noted above in connection with the Croyland Chronicle, Hanham must be faulted for neglecting to consult Vergil's manuscript, in this case in order to determine the precise state of the *Anglica historia* when More presumably got hold of a copy of it and, as Hanham thinks, deliberately satirized the Italian's methods. In the instance under discussion, namely Richard's charge of witchcraft against the queen, it does in fact occur in the earliest layer of Vergil's manuscript, on fols. 217v-218.

107 John Dover Wilson, 'A Note on *Richard III*: The Bishop of Ely's Strawberries', *Modern Language Review* 52 (1957) 563-64, following Dr. J. Swift Joly.

108 Rossell Hope Robbins, *The Encyclopedia of Witchcraft and Demonology* (New York, 1959), p. 162, says that Morton, the countess of Richmond (i.e., the mother of Henry VII), and other Lancastrians were tried for using sorcery in 1483, but I cannot find any report of such trials, and Professor Robbins informs me that he is unable to locate the source for his statement.

109 Rymer, *Foedera* 12.204-205.

Buckingham, Morton, and 'Thomas Nandyk, late of Cambridge, nigromancer'.¹¹⁰ The black art is simply listed as Nandyk's profession, and no account is taken of his making use of it in his treason. He was referred to in the same way in Henry VII's first Parliament, in which all those so attainted were pardoned.¹¹¹

The context of this last named parliamentary act did not of course allow any opprobrious comment to be made on Nandyk's necromancy, but it could perhaps be taken as an augury of Henry VII's attitude toward witchcraft that a publicly proclaimed sorcerer could be set at large without let upon his practices. Henry Tudor's disputed title to the throne gave rise to the same kind of plots and insurrections that had aroused fears of sorcery among his predecessors. But I can find no evidence of such concern in him; nor is there any association of witchcraft with his name, with one exception, an exception that seems to confirm the above impression. In 1496, a multiple murder-by-witchcraft plot against the king and his family and councillors was alleged in a confession by one Bernard de Vignolles, who implicated, among others, John Kendal, grand prior of the Knights Hospitallers of St. John of Jerusalem. Kendal's supposed motive, apparently, was to advance the pretender Perkin Warbeck.¹¹² Bernard's confession is endorsed by Henry VII in his own hand, so the king must have read the series of charges against the prior; but, as Kittredge says, 'he seems to have made light of it', for Kendal received a general pardon on 18 June 1496.¹¹³

As for Henry VII's sixteenth-century Tudor successors, they seem to have inherited his lack of serious concern for the magical arts as such, in connection with their own persons. In the case of Henry VIII, witchcraft seems to have touched his conscience directly only at one point, and that a sore one: he came to the conclusion that Anne Boleyn had bewitched him into loving her. This view of the matter crystallized after his attraction towards her had long since waned, when he was seeking a way out of his marriage to her. But he did not publicize his conviction that witchcraft had been used; he simply spoke of it to someone as a great secret, as if he were going to confession. The someone, however, broke the seal of confession, as it were, and revealed it to one of the king's principal

110 *Rot. parl.* 6.245-47.

111 *ibid.*, p. 273: but 'Nandyk' (or 'Nandik' or 'Nandike') has metamorphosed into 'Vandyke'.

112 James Gairdner, *Letters and Papers Illustrative of the Reigns of Richard III and Henry VII* 2 (London, 1863), pp. 318-23. The magic involved the use of a special ointment to be spread on a doorway through which the king was to pass; it was to have the effect of inciting the king's friends to kill him. Vignolles claimed that Kendal eventually refused to make use of the ointment, not because of a change of heart, it seems, but because he feared that the virulent substance might endanger his own life (in fact, Vignolles said, the ointment was harmless, for he had surreptitiously replaced the magic brew with a concoction of his own).

113 Kittredge, *Witchcraft*, p. 50, citing the Calendar of Patent Rolls.

courtiers, who in turn passed it on to Lord and Lady Exeter, whence it came to the ears of the emperor's ambassador, Eustace Chapuys. Chapuys found it difficult to believe that the king could be serious, but he accepted the report as true because it came from a good source.¹¹⁴

Apart from this single instance of amatory witchcraft, the occult arts seem to have encroached upon royalty in the sixteenth century mainly by way of prophecy. For instance, the duke of Buckingham, like Macbeth, was told that he would one day be king, a hope that led to his execution in 1521.¹¹⁵ One of the offenses for which Lord Hungerford was attainted and executed in 1540 was his inquiry by conjuration into the duration of the king's life.¹¹⁶ In 1532, the King's Council investigated Sir William Neville for giving voice to certain prophecies about the king.¹¹⁷ In Edward VI's time a man confessed to calculating the death date of that king, but Edward dismissed the matter as insignificant. He did, however, order the offender to the Tower, where he was kept for a year.¹¹⁸ During Queen Elizabeth's reign, there was a whole series of charges of such calculations of the life expectancy of the sovereign, which led to parliamentary action against it.¹¹⁹ Now the matter was taken seriously, and rightly so, because of the numerous real plots against the queen with which such activities were often connected. Yet, in spite of this, and in spite of the unquestionable growth of popular interest in witchcraft, there was no panic, no witchhunting worthy of comparison with that which occurred in other lands, no reaction like that of King James VI and his Scottish subjects in 1590 and the years following.

As we have seen, most of the theoretical, judicial, and motivational ingredients for a witchcraft epidemic were available in England during the fourteenth, fifteenth, and sixteenth centuries, but they did not occur in an explosive combination. The reality of witchcraft's power for evil was admitted, but it was not singled out for undue attention. Attempted murder and treason by witchcraft were not prosecuted with greater vigor than other forms of murder and treason. If torture was used in England, it was no doubt used as 'judiciously' for ferreting out other crimes as for investigating possible instances of sorcery. Witchcraft was sometimes felt to be connected with heresy (though burning was a possible

114 Chapuys to Charles V, 29 January 1536, given in Paul Friedmann, *Anne Boleyn* 2 (London, 1884), pp. 202-203.

115 Kittredge, *Witchcraft*, pp. 228-29.

116 *ibid.*, p. 65.

117 *ibid.*, p. 63.

118 Wallace Notestein, *A History of Witchcraft in England from 1558 to 1718* (Washington, D.C., 1911; rpt. New York, 1968), p. 13.

119 *ibid.*, pp. 25-27; cf. Alan Macfarlane, *Witchcraft in Tudor and Stuart England* (London, 1970), pp. 77-78, and see n. 72 above.

penalty for witchcraft apart from any consideration of heresy); but it was not formally identified with it, and in spite of the Templar and Kyteler cases in the early fourteenth century there was no acceptance of the idea of the heretical cult of witchcraft.

The ecclesiastical inquisition was used as well against witchcraft as against heresy (where torture was allowed but probably not practised) and other offenses, but similar due process was observed in all cases. No doubt a papal inquisition could have been had for the asking, if an English monarch had deemed it necessary or advisable, as did Edward II in the case of the Templars, but the need was not felt.¹²⁰ Of course, church inquisitions, papal or otherwise, were not necessary for the successful mounting of a good-sized witch hunt; but nothing of the sort occurred, even in the sixteenth century, when England shared the kind of religious dissent that allegedly provided the occasion for witch burnings on the Continent.¹²¹

The devil, in short, was given his due in England; but it was rarely more of a due than was warranted by traditional theology and common sense. Perhaps the English faith in divine providence was so strong that repression of the devil and

120 For Edward II, see above, nn. 10 and 20. Edward at first prohibited the inquisitors from using torture, as being contrary to the laws of his kingdom. Beginning at least with Henry VIII, or even Edward VI (see n. 101 above), the English rulers had no such scruples, at any rate for Council investigations; but they did not attempt to impose the practice in either ecclesiastical or secular trials. It is noteworthy that in the papal inquisition into Henry VIII's first marriage, the legatine trial of 1529, instituted at the king's invitation, the normal forms were observed, in spite of the fact that the papal commission allowed for summary procedure. The *ex officio* inquisition was still used in England even after the break with Rome. For example, Cranmer employed it in the trial of Henry's second marriage, to Anne Boleyn, in 1536, and Archbishop Whitgift was using it in the 1580's — see J. B. Black, *The Reign of Elizabeth*, Oxford History of England 8, 2nd ed. (Oxford, 1959), p. 199 (in the same series, J. D. Mackie, *The Earlier Tudors*, 1952, pp. 549-52, describes the papal inquisition against Cranmer and other heresy trials under Queen Mary: even here torture was not used). The *ex officio* procedure was also still being used in the archdeacons' courts; see E. R. Brinkworth, *The Archdeacon's Court: Liber actorum, 1584* (Oxfordshire Record Society 23; Oxford, 1942); Brinkworth points out, both here (p. v) and in 'The Study and Use of Archdeacons' Court Records, Illustrated from the Oxford Records (1566-1759)', *Royal Historical Society, Transactions*, 4th Ser., 25 (1943) 93-119, especially 101, that basically the same procedure was followed until 1640. See, for example, Claude Jenkins, *Act Book of the Archdeacon of Taunton* [for 1623-1624], in *Collectanea* 2, ed. T. F. Palmer (Somerset Record Society 43; London, 1928), pp. 1-175.

121 This is the thesis of H. R. Trevor-Roper, 'The European Witch-Craze of the Sixteenth and Seventeenth Centuries' in *Religion, Reformation, and Social Change* (London, 1967), pp. 90-192. The causal implications are questioned by H. C. Erik Midelfort, *Witch Hunting in Southwestern Germany, 1562-1684* (Stanford, 1972), p. 6: 'In attempting to explain why witch hunts "broke out at specific times, scholars have pointed to their temporal conjunction with wars of religion and outbreaks of heresy hunting. There is no doubt some validity in correlating witch hunts with periods of religious conflict and renewal, but the correlation is still incomplete, and the reasons for the beginnings of large-scale witch hunting remain unclear.'

his co-workers could be safely left to God. At any rate, it was clearly providential that at the time when the *Malleus maleficarum* was published on the Continent, an extremely levelheaded sovereign had begun to rule across the English Channel.¹²²

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122 I wish to thank Professor Norman Cohn for giving this essay a last-minute reading and thereby saving me from several questionable generalizations.